

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

MICHAEL BRYAN JACKSON

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Case No. 4:02cr11  
(Judge Schell)

## **REPORT AND RECOMMENDATION** **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for modification of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 22 and 23, 2010, to determine whether Defendant's supervised release should be modified. Defendant was represented by Frank Henderson. The Government was represented by Jay Combs.

On November 26, 2002, Defendant was sentenced by the Honorable Paul Brown to one hundred and ten (110) months' custody followed by five (5) years of supervised release for the offense of Kidnaping. On June 3, 2010, Defendant completed his period of imprisonment and began service of his supervised term.

On November 12, 2010, the U.S. Pretrial Services Officer filed a Petition for Warrant for Offender Under Supervision. The petition alleges the following: (1) Defendant's mental health condition has become unstable; (2) Defendant was arrested on September 21, 2010, for Evading Arrest/Detention With a Vehicle; (3) On October 18, 2010, Defendant reported to a mental health counseling session with Dr. Clower, under the influence of alcohol; and (4) At a crisis screening on November 8, 2010, Defendant showed signs of suicidal ideation and was approved for a two-bed day at University Behavioral Health psychiatric hospital to help him get stabilized.

The Government presented the testimony of Linda Werner, Andrew Eenigenburg, and Dr.

Clower. Defendant presented the testimony of his brother, Mark Jackson. After considering all of the evidence, the Court recommends that Defendant's supervised release be modified.

**RECOMMENDATION**

The Court recommends pursuant to 18 U.S.C. § 3583(e) that the District Judge modify Defendant's supervised release. Defendant's supervised release should be modified as follows: (1) Defendant shall undergo available medical, psychiatric, or psychological treatment, including treatment for drug or alcohol dependency, as specified by the Court, and remain in a specified institution if required for that purpose; and (2) Defendant shall refrain from consuming alcohol beverages or other intoxicants while on supervision.

Defendant shall be placed at the North Texas State Hospital for a period of fourteen (14) days starting on November 29, 2010, after which Defendant shall be released and return to live with his brother, Mark Jackson, or another suitable relative.

After the Court announced the recommended sentence, Defendant executed the consent to modification of supervised release and waiver of right to be present and speak at sentencing. The parties also waived the fourteen (14) day period for objections.

**SIGNED this 23rd day of November, 2010.**

  
AMOS L. MAZZANT

UNITED STATES MAGISTRATE JUDGE